

Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

Ref.: AL PAK 1/2022
(Please use this reference in your reply)

11 March 2022

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolution 44/5.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the alleged lack of investigations in compliance international standards into the killing of Dr. Anwer Laghari in 2015.

According to the information received:

Dr. Anwer Laghari, son of Muhammad Ali Laghari, was a doctor and political leader with the Sindh United Party, Pakistan.

Late in the evening of 18 November or early in the morning of 19 November 2015, Dr. Laghari was shot and killed by unknown assailants.

City elections were due to take place in Qasimabad on 19 November 2015. Dr. Laghari had been supporting a friend's campaign for office. Earlier in November, Dr. Laghari had received threats by phone from a high profile member of another political party, but did not report them to the police believing no action would be taken. The family had also reportedly received repeated visits from plain clothed individuals carrying weapons who indicated they were from the intelligence services. These visits began as early as 2001 and continued periodically prior to and after Dr. Laghari's killing. During these visits, the intelligence services asked about the activities of Dr. Anwer Laghari's brother Mr. Sufi Laghari who is an activist in the United States of America.

On 19 November 2015, Dr. Laghari was sitting with two other individuals at a Sindh United Party political campaign office in Qasimabad Hyderabad when several unknown individuals entered and opened fire. Dr. Laghari died instantly. The other two individuals were injured and admitted to hospital. Two hours after the killing, the police arrived at the location and removed the empty bullet shells. They did not take any further steps to investigate the crime scene.

After the killing, party leaders and relatives of Dr. Laghari tried to register a First Information Report (FIR) at Bhittai Nagar Qasimabad Police Station. Reportedly, the police initially refused to register the case due to the profile of the individuals named in the complaint.

On 21 November, there were widespread strikes in Sindh Province regarding the killing.

On 22 November, three days after the killing, a FIR was lodged under sections 182/2015, U/s 302,324,506/2, 34, 337/H2 of the Pakistan Penal code and 6/7 of the Anti-terrorism act against unnamed individuals.

A post mortem examination was carried out in the Civil Hospital Hyderabad.

No one has been arrested in relation to the killing. Reportedly, there have been no hearings and no further investigative steps taken.

Dr. Laghari's relatives were not provided with any information about the steps taken to investigate the killing.

While I do not wish to prejudge the accuracy of these allegations, I am concerned by the alleged lack of investigations in compliance international standards into the killing of Dr. Anwer Laghari.

Should the facts alleged above be confirmed, they would amount to a violation of the right to life, set out in article 6 of the International Covenant on Civil and Political Rights, which Pakistan ratified on 23 June 2010.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on any investigations and judicial or other inquiries into the killing of Dr. Anwer Laghari. Please include information on their current status, the specific investigative steps taken and on compliance with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death.
3. Please provide information on the capacity of the judiciary and law enforcement services of Pakistan to conduct prompt, impartial and effective investigations, into potentially unlawful deaths in line with international standards and on any scope for cooperation including technical assistance from special procedures in this regard.
4. Please provide information on the mechanisms in place in Pakistan to ensure relatives of unlawfully killed individuals are kept informed of, and are able to contribute to, such investigations.
5. Please indicate measures in place to ensure the safety of individuals standing for elections or working for political parties.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary measures be taken to investigate the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer your Excellency's Government to article 6 (1) of the International Covenant on Civil and Political Rights, which Pakistan ratified on 23 June 2010, which states that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

I would like to refer to Human Rights Committee General Comment 36. The General Comment states that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents.

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent. States parties should also disclose relevant details about the investigation to the victim's next of kin allow the next of kin to present new evidence and afford the next of kin legal standing in the investigation.

With regard to the obligation to conduct prompt investigations I note that authorities must conduct an investigation as soon as possible and proceed without unreasonable delays. The duty of promptness does not justify a rushed or unduly hurried investigation. The failure of the State promptly to investigate does not relieve it of its duty to investigate at a later time: the duty does not cease even with the passing of significant time (Minnesota Protocol para 23).

General Comment 36 further observes that States parties are thus under a due diligence obligation to take reasonable, positive measures that do not impose disproportionate burdens on them in response to reasonably foreseeable threats to life originating from private persons and entities whose conduct is not attributable to the State. Hence, States parties are obliged to take adequate preventive measures in order to protect individuals against reasonably foreseen threats of being murdered or killed by criminals and organized crime or militia groups, including armed or terrorist groups.